

FILED
JUL 07 2009
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JASPER PHILLIPS,)	CV 09-28-H-DWM
)	
Petitioner,)	
)	
vs.)	ORDER
)	
STATE of MONTANA,)	
)	
Respondent.)	

Petitioner Phillips, a state prisoner proceeding pro se, has filed two motions to proceed in forma pauperis on his petition for writ of habeas corpus under 28 U.S.C. § 2254. United States Magistrate Judge Keith Strong entered Findings and Recommendation on June 30, 2009. He recommended denying Phillips' motions to proceed in forma pauperis. Petitioner is not entitled to file objections to Findings and Recommendation regarding a motion to proceed in forma pauperis. Minetti v. Port of Seattle, 152 F.3d 1113, 1114 (9th Cir. 1998). Judge Strong

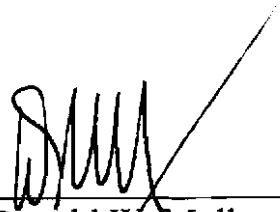
correctly found that Phillips has not filed a completed motion to proceed in forma pauperis, as required by 28 U.S.C. § 1915(a).

IT IS HEREBY ORDERED that Judge Strong's Findings and Recommendation (dkt #8) are adopted in full. Petitioner's motions to proceed in forma pauperis (dkt # 2, 7) are DENIED.

IT IS FURTHER ORDERED that Petitioner shall pay the \$5.00 filing fee within ten business days of the date of this Order.

The Clerk of Court is directed to enter a judgment of dismissal if Petitioner fails to pay the filing fee on time, pursuant to D. Mont. L.R. 3.1(d)(3).

Dated this 7th day of July, 2009.



Donald W. Molloy, District Judge
United States District Court
